

United States District Court
For the Northern District of California

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10 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JUNE EMILY SOMMA,

Plaintiff,

v.

GREAT ORMOND STREET,

Defendant.

No. C 02-05889 JSW

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO
AMEND COMPLAINT;
VACATING HEARING DATE**

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Having received Defendant Great Ormond Street Hospital's Statement of Non-opposition to Plaintiff's Motion for Leave to Amend Complaint, currently scheduled to be heard on Friday, March 18, 2005, it is HEREBY ORDERED that Plaintiff's Motion for Leave to Amend is GRANTED. It is FURTHER ORDERED that the hearing on Plaintiff's motion scheduled for March 18, 2005 at 9:00 a.m. is VACATED.

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Defendant asserts in its Statement of Non-opposition that "Defendant's pending motion to dismiss will apply to this second amended complaint." (Statement of Non-opposition, p. 2.) Because the filing of an amended complaint supersedes the prior complaint as a pleading, any pending motions to dismiss attacking the prior complaint are moot. *See Schwarzer, et al., California Practice Guide: Federal Civil Procedure Before Trial*, 9: 262 (2004). If Defendant intends to challenge Plaintiff's second amended complaint, Defendant must file a properly noticed motion addressing the

1 second amended complaint on a date available on the Court's calendar pursuant to Civil Local Rule 7-

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4 **IT IS SO ORDERED.**

5 Dated: March 15, 2005

6 /s/ Jeffrey S. White

7 JEFFREY S. WHITE

8 UNITED STATES DISTRICT JUDGE

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